

# SENATE BILL 215

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By: **Senators Frosh, Brochin, Conway, Harrington, Jones, King, Lenett, Madaleno, McFadden, Peters, Pinsky, Raskin, Robey, and Rosapepe**  
Introduced and read first time: January 21, 2010  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **High Performance Buildings Act – Applicability to Recipients of State Aid**

3 FOR the purpose of making the High Performance Buildings Act applicable to capital  
4 projects that are funded by a grant of State aid to certain grantees; defining  
5 certain terms; and generally relating to the construction of high performance  
6 buildings by certain grantees that receive certain State aid.

7 BY repealing and reenacting, with amendments,  
8 Article – State Finance and Procurement  
9 Section 3–602.1  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – State Finance and Procurement  
14 Section 7–406(a)(3) and (5)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – State Finance and Procurement**

20 3–602.1.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) **“GRANTEE” HAS THE MEANING STATED IN § 7–406 OF THIS**  
23 **ARTICLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1                    **[(2)] (3)**        “High performance building” means a building that:

2                    (i)        meets or exceeds the current version of the U.S. Green  
3 Building Council’s LEED (Leadership in Energy and Environmental Design) Green  
4 Building Rating System Silver rating; or

5                    (ii)       achieves at least a comparable numeric rating according to a  
6 nationally recognized, accepted, and appropriate numeric sustainable development  
7 rating system, guideline, or standard approved by the Secretaries of Budget and  
8 Management and General Services.

9                    **[(3)] (4)**        “Major renovation” means the renovation of a building  
10 where:

11                    (i)        the building shell is to be reused for the new construction;

12                    (ii)       the heating, ventilating, and air conditioning (HVAC),  
13 electrical, and plumbing systems are to be replaced; and

14                    (iii)      the scope of the renovation is 7,500 square feet or greater.

15                    **(5)        “STATE AID” HAS THE MEANING STATED IN § 7-406 OF THIS**  
16 **ARTICLE.**

17                    (b)        It is the intent of the General Assembly that, to the extent practicable:

18                    (1)        the State shall employ green building technologies when  
19 constructing or renovating a State building not subject to this section; and

20                    (2)        high performance buildings shall meet the criteria and standards  
21 established under the “High Efficiency Green Building Program” adopted by the  
22 Maryland Green Building Council.

23                    (c)        (1)        This subsection applies to capital projects:

24                    **(I)**        that are funded solely with State funds; **OR**

25                    **(II)       THAT ARE FUNDED SOLELY OR PARTLY BY A GRANT OF**  
26 **STATE AID TO A GRANTEE.**

27                    (2)        Except as provided in subsections (d) and (e) of this section, if a  
28 capital project includes the construction or major renovation of a building that is 7,500  
29 square feet or greater, the building shall be constructed or renovated to be a high  
30 performance building.

1 (d) The following types of unoccupied buildings are not required to be  
2 constructed or renovated to be high performance buildings:

- 3 (1) warehouse and storage facilities;
- 4 (2) garages;
- 5 (3) maintenance facilities;
- 6 (4) transmitter buildings;
- 7 (5) pumping stations; and
- 8 (6) other similar types of buildings, as determined by the Department.

9 (e) (1) The Department of Budget and Management and the Department  
10 of General Services shall jointly establish a process to allow a unit of State  
11 government to obtain a waiver from complying with subsection (c) of this section.

12 (2) The waiver process shall:

13 (i) include a review by the Maryland Green Building Council  
14 established under § 4-809 of this article, to determine if the use of a high performance  
15 building in a proposed capital project is not practicable; and

16 (ii) require the approval of a waiver by the Secretaries of Budget  
17 and Management, General Services, and Transportation.

18 7-406.

19 (a) (3) (i) “Grantee” means a for profit or nonprofit entity or  
20 association that receives State aid during a fiscal year.

21 (ii) “Grantee” does not include a unit of State or local  
22 government.

23 (5) (i) “State aid” means a contribution, grant, or subsidy of  
24 \$50,000 or more provided through the State operating or capital budget or by the  
25 action of a unit of State government from State funds appropriated to that unit.

26 (ii) “State aid” does not include reimbursements to providers  
27 participating in a State program.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2010.